



Virginia
Regulatory
Town Hall

Periodic Review and Retention of Existing Regulations Agency Background Document

Agency Name:	State Water Control Board
VAC Chapter Number:	9 VAC 25-200-10 et seq.
Regulation Title:	Water Withdrawal Reporting
Action Title:	Regulation Review and Retention
Date:	June 5, 2001

This information is required pursuant to the Administrative Process Act § 9-6.14:25, Executive Order Twenty-Five (98), and Executive Order Fifty-Eight (99) which outline procedures for periodic review of regulations of agencies within the executive branch. Each existing regulation is to be reviewed at least once every three years and measured against the specific public health, safety, and welfare goals assigned by agencies during the promulgation process.

This form should be used where the agency is planning to retain an existing regulation.

Summary

Please provide a brief summary of the regulation. There is no need to state each provision; instead give a general description of the regulation and alert the reader to its subject matter and intent.

This regulation requires the reporting of water withdrawal information to the Board for its use in preparing plans and programs for the management of water resources of the Commonwealth of Virginia. The data is used by the Board in formulating water supply plans for consideration by the General Assembly and in delineating ground and surface water management areas and is available to local governments and private interest to assist them in their own water supply planning.

Basis

Please identify the state and/or federal source of legal authority for the regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. Where applicable, explain where the regulation exceeds the minimum requirements of the state and/or federal mandate.

The authority for this regulation is found in Title 62.1, Chapter 3.1, Section 62.1-44.38 of the Code of Virginia. Specifically, § 62.1-44.38(C) authorizes the State Water Control Board (Board) to require each water user withdrawing surface or subsurface water or both during each year to register water withdrawal and use data for the previous year including the estimated average daily withdrawal, sources of water withdrawn, and volume of water discharge, provided that the withdrawal exceeds one million gallons in any single month for use for crop irrigation, or that the daily average during any single month exceeds 10,000 gallons per day for all other users.

There is no federal mandate for this regulation.

Public Comment

Please summarize all public comment received as the result of the Notice of Periodic Review published in the Virginia Register and provide the agency response. Where applicable, describe critical issues or particular areas of concern in the regulation. Also please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

The Board received comments from the James River Association (JRA) during the Notice of Periodic Review comment period. The JRA strongly supports the regulation and stated that the information on water withdrawal is vitally important in planning for the water resource needs of the citizens of the Commonwealth of Virginia. The JRA strongly urges the Department of Environmental Quality (DEQ) and the Board to develop a State Water Resources Policy to better protect our water resources and to plan for future needs. Further, the JRA believes that much of the foundation for a statewide water resources policy is in place, but leadership is needed to fully develop and implement such a policy. The JRA recommends that reporting requirements remain in place and be enforced.

The Board staff responded that JRA's comments would be taken into consideration when we make final recommendations at the end of the review process. No other comments were received.

Effectiveness

Please provide a description of the specific and measurable goals of the regulation. Detail the effectiveness of the regulation in achieving such goals and the specific reasons the agency has determined that the regulation is essential to protect the health, safety or welfare of citizens. Please assess the regulation's impact on the institution of the family and family stability. In addition, please indicate whether the regulation is clearly written and easily understandable by the individuals and entities affected.

The goal of the regulation is to document the amount of water withdrawn from surface and ground water resources by requiring withdrawers to annually report their withdrawals to DEQ. The water withdrawal data that has been collected through this regulation are used by the DEQ during the preparation of surface and ground water withdrawal permits, ground water models, surface water quality models, environmental impact assessments and water supply studies.

The DEQ uses water withdrawal data in identifying areas that need protection from excessive water withdrawals by designating surface or ground water management areas. Without the withdrawal data implementation of these two programs would be difficult and time consuming. The water withdrawal data also serves the water supply information needs of other state, local and federal agencies.

This regulation has no direct impact on the institution of the family or family stability. It is clearly written and understandable for the entities directly affected.

Alternatives

Please describe the specific alternatives for achieving the purpose of the existing regulation that have been considered as a part of the periodic review process. This description should include an explanation of why such alternatives were rejected and this regulation reflects the least burdensome alternative available for achieving the purpose of the regulation.

The alternatives that could reduce the burden of reporting water withdrawals have been included in this regulation. For example, users reporting withdrawals under another regulation such as the Virginia Department of Health regulations, are not required to report under this regulation. In addition, this regulation minimizes the economic impact on the user by not requiring the installation of expensive meters to measure the withdrawals. A number of alternative methods to calculate the volume of water withdrawals are accepted by this regulation. Withdrawals that do not cause any significant impacts such as dewatering of mines and quarries or filling drydocks are exempted from reporting.

Recommendation

Please state that the agency is recommending that the regulation should stay in effect without change.

The agency is recommending that the regulation stay in effect without change.

Family Impact Statement

Please provide an analysis of the regulation's impact on the institution of the family and family stability including the extent to which it: 1) strengthens or erodes the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourages or discourages economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthens or erodes the marital commitment; and 4) increases or decreases disposable family income.

This regulation has no direct impact on the institution of the family or family stability.